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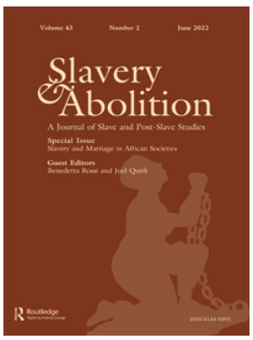

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'They Gave Me Nothing': Marriage, Slavery and Divorce in Twentieth-Century Abeokuta

Morenikeji Asaaju

ABSTRACT

During the early twentieth century, several hundred women in colonial Abeokuta initiated divorce proceedings against their husbands, who were also frequently their masters. The legal records associated with their cases offer important clues about how women – both freeborn and slave – contested the terms of their marriages using the colonial courts. This article examines how and why these women used new interpretations of marriage, which were introduced by European Christian missionaries and the British colonial administrators in order to challenge established traditions. It reveals how colonial native courts approached indigenous norms surrounding marriage and slavery: colonial interventions gave freeborn women a measure of agency within marriage which was also somewhat unexpectedly extended to slave wives. Through an exploration of court judgements, this article demonstrates the effects of colonial intervention on marriage and slavery and the role of the colonial courts in local matrimonial disputes and practices and investigates how they empowered enslaved wives.

KEYWORDS

Marriage; slavery; Nigeria; Abeokuta; colonial courts; divorce; gender

In June 1905, a woman named Aina approached the court officials of the newly established native court in Ake Abeokuta. She was there to report that a man named Lajubu had enslaved her. The men involved in her alleged enslavement were immediately summoned to the court. During the proceedings, Aina explained:

> I am a slave. I was taken to Lajubu's house as his slave. I was not told at first that I will be his wife but when I was asked to have Lajubu as a husband, I refused, but after several beatings, maltreatment, and no food I accepted. They gave me nothing, no presents as a bride, he treated me as a slave and not a wife. I want the court to grant me freedom from Lajubu.[1]

The court in response granted Aina freedom from Lajubu without the payment of a redemption fee, which was normally requested of slaves who wanted to buy

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their freedom. Lajubu was verbally reprimanded to desist from the slave trade, because at the time, the British government no longer recognized the existence of slavery, and the courts could not recognize and directly enforce obligations of slavery. The court concluded that the case 'was a question of trafficking (slave trade) and marriage according to local custom'.

While Lajubu admitted to having bought Aina, his testimony also revealed that Aina had been abducted and sold into slavery during the Yoruba civil wars, which ravaged the region in the nineteenth century.[2] Like many of her counterparts, Aina's master, Lajubu, attempted to integrate her into his household and subsequently coerced her into becoming a wife. Aina emphasized a lack of material recognition to the courts to prove her enslaved status in the hope of being released from any contractual bond to Lajubu. Although we will never know the thoughts or inner life of Aina or the external pressures placed on her in this situation, the way in which her actions were framed within the court records provides a glimpse into how the establishment of the native courts emboldened and created opportunities for dependent men and women to challenge their status and position in Abeokuta. Aina's testimony illustrates the complex narratives that enslaved women put forward to gain support and sympathy in the courts. Her narrative also reminds us of the problems associated with emancipation which included a destabilization of gender and marital relations. Divorce increased and gender inequality was exacerbated by new economic growth in the first decade of the twentieth century, which heightened the need for the state's regulation of marriage and sexuality. New insights into the personal agency displayed by enslaved people – both men and women – in colonial Abeokuta can be gleaned from an analysis of the cases brought by them after the abolition of slavery and the slave trade.

The experiences of former slaves following emancipation have been a focal point of discourse and debate among gender historians, with particular emphasis being placed on whether they tried to abscond from their past lives or renegotiate their roles within established networks. These debates have mainly developed around struggles for freedom and their implications for gender and marital relations. Drawing on examples from Senegal and French Soudan, Martin Klein and Richard Roberts contend that enslaved women in West Africa were not likely to abscond from their master after they had children. They also argue that despite the apparent helplessness of women in slavery, many attempted to control their own lives and pursue freedom irrespective of the enormous odds against them.[3] Using court records that coincided with the period of slave departures from Gumbu (French Soudan, today's Mali), Roberts demonstrates that the end of slavery was not a smooth process. In particular, the cases dealing with disputes over debts, property, and contracts reveal the different strategies former masters developed to keep their former slaves, while the incidence of cases on divorce reflects social

consequences of the end of slavery, with changes in wealth and income rupturing conjugal bonds.[4]

Similarly, in his study of concubinage and the status of women in colonial northern Nigeria, Paul Lovejoy has argued that the recognition of concubinage in Islam overshadowed the productive function of female slaves in these societies. Court records from 1905–6 clearly show that the courts in Northern Nigeria were directly complicit in the transfer of women for purposes of concubinage.[5] As these examples help to demonstrate, women typically faced the greatest difficulties in terms of emancipation. Suzanne Miers calls attention to how colonial rulers pretended to see enslaved females as women and wives, placing their conflicts with their masters in the domestic sphere and not in the domain of slaves versus masters' cases.[6] This action of the colonial courts' administrators as co-conspirators suggests that the colonial officials embraced the existing patriarchal sentiment of men who dominated the native and Islamic courts and neglected the rights of women.

Historical experiences in Yorubaland have similar kinds of features. Both gender and class factors shaped the experiences of male and female slaves, and colonial intrusions created avenues for them to try and better their position. Kristin Mann and Judith Byfield document how Lagos and Egba women exploited new opportunities in the British legal system to accumulate wealth and power through trade and property acquisition. Others, such as enslaved women, left unwanted husbands and sought divorce in the colonial courts and new marriages blessed by the church.[7] Again, Kristin Mann reports a trend of the weakening of owners' control over slaves in colonial Lagos during the second half of the nineteenth century, with slaves seeking independence and renegotiating their relationships with their masters. This was at least partly due to commercial changes that occurred from the second half of the nineteenth century, as trade in palm oil offered expanded opportunities for small-scale enterprise, including independent trading by slaves. The commercial transition was further complicated by the legal changes after the British annexation of Lagos in 1861 which led to abolition and the non-recognition of slave status.[8]

Similarly, Ademide Adelusi-Adeluyi has explored the effect of British intervention in Lagos on domestic slavery, with specific emphasis on women who were enslaved. Through the narratives of two female figures who found freedom in Lagos, she demonstrates that both the slave trade and domestic slavery continued to flourish on Lagos Island and surrounding towns despite the treaties and ordinances designed to bring them to an end. Focusing on the impact of slavery and colonialism on Eastern Yorubaland, Olatunji Ojo, demonstrates how women selectively appropriated British colonial and Christian institutions and laws, such as the abolition of slavery, forced marriage, child betrothal, warfare and debt seizure, in an effort to improve their circumstances.[9] By focusing on Abeokuta, a major urban community in southwestern

Nigeria, this article builds on these scholarly contributions that have examined the immediate social transformation implied by abolition, the extension of British rule, and legal changes concerned with gender and marital relations.

Abeokuta in the early twentieth century is an interesting case study due to the fundamental political changes that occurred during this period. It was established in 1830 out of disparate Yoruba sub-groups escaping the disruptions of the Yoruba wars. The need to consolidate the new settlement – against powerful enemies such as Ibadan, Ijebu, Dahomey and the Lagos colony – created pressures to unite in common defence. Between 1892 and 1893, all the Yoruba states, except Abeokuta, lost their separate identities as political and judicial units to British control. During its period of administrative independence, Abeokuta experimented with a new government, the Egba United Government (EUG), which introduced electricity and water works, and attempted to widen the tax base of its administration. Great Britain at different times intervened in the domestic politics at Abeokuta. Building upon earlier efforts to abolish the Atlantic slave trade and encourage the development of different types of legitimate commerce, the British abolished the slave trade and outlawed the legal status of slavery in 1901. Consequently, slaves were entitled to self-redemption and empowered to leave their masters at will.[10] In January 1904, Governor MacGregor of Lagos entered into a judicial agreement with the government of Abeokuta, whereby jurisdiction was ceded to the British government for nineteen years in all cases where one or both parties to the suit were not natives of Abeokuta and in all cases of murder and manslaughter. This judicial agreement abolished indigenous courts and led to the creation of new grades of courts. These new courts were central to the long-term destabilization of gender and marital relations witnessed in the first decade of the twentieth century, as they created opportunities for slaves to redefine their relationships with their owners.

The Ake Native Courts and Its Records

By the time I began conducting research on marriage and slavery in Abeokuta in 2014, memories of slavery in Abeokuta were remote. Descendants and individuals who knew or heard about slave owners would sometimes reluctantly talk about local slaves and their owners. Others appeared to have a faint memory of slavery. This could reflect a form of self-denial or other cultural and ethical issues, but it is hard to say with any certainty. The limited sources available on this aspect of social history make it necessary to draw upon colonial archives. Thus, data for this study come from the records of cases involving owners, slaves, and their descendants that were heard by the Ake Native court in Abeokuta. These records are archived at the Hezekiah Oluwasanmi Library, Obafemi Awolowo University, Ile-Ife Osun State, Nigeria. Court records became important for this research because they contain

exceptional information about the daily struggle between owners and slaves to change the demands being made on the slaves and the rights and privileges they enjoyed.[11]

Court records have played an increasingly prominent role within efforts to reconstruct the history of slavery and marriage, but the specific court records for Ake, Abeokuta District, have not yet been considered in detail.[12] They therefore present a great opportunity to examine the changing marital relations and relationships of labour and dependency during the twentieth century to see how different categories of people – owners, slaves, descendants, wives, husbands, brothers, sisters, fathers, mothers – contested and re-negotiated relationships. The records examined here describe the experiences of enslaved women and men who left their owners. They also uncover strains in marital relations and distinct patterns of litigation during a time of rapid transformation. The records provide insights into the agency of former slaves framing the significant transformations that were affecting their lives amidst the extension of British colonial rule. Although the court records employed here date from 1905, the litigants and witnesses in the cases sometimes told stories that give insights into a period preceding the establishment of the courts.

The 1904 judicial agreement with the Egba government created a two-tiered judicial system: a Supreme Court and a Mixed Court, which opened June 15th, 1904. In the Mixed Court, minor cases involving Egba and non-Egba subjects were heard by the British Commissioner and two Egba magistrates who were appointed by the Egba United Government (EUG).[13] The Egba magistrates decided cases involving Egba subjects and the British Commissioner was concerned with cases in which one or both parties involved were European citizens. The establishment of a Mixed Court became important with the arrival of the railway, and the presence of the Railway Commissioners in Abeokuta created a *de facto* court of appeal. Prior to 1904, the Commissioners provided alternatives for those with complaints against wealthy or influential people in Abeokuta. Within this system, marriage was a vital domain of contestation in which women consistently sought the support of the Commissioners. The railway commissioners witnessed a struggle with the Egba government over different conceptions of justice in resolving these disputes. The railway commissioners operated within the jurisdiction of ideas drawn from British law and principles of the civilizing mission, while the Egba government worked within the framework of native law and customs. Thus, plaintiffs and defendants were confronted with a legal system that was complex and fraught with conflicting jurisdictions. These tensions emerged early in Abeokuta and led to the need to incorporate the native system of justice into the workings of the colonial administration in Abeokuta: the 1904 judicial system emerged in response to these tensions (Figure 1).

The new legal system required regulation and accountability over judgments delivered by the chiefs as well as the district officers in their different stations. It

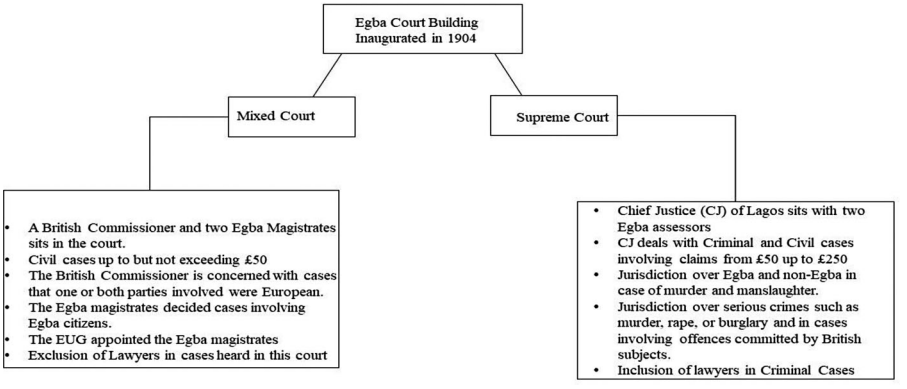

Figure 1. Egba court system, 1904–1913. Chart designed by the Author.

also provided assurances for Egba citizens that their individual status would be respected. With the use of written court registers, the courts defined colonial justice differently from its precolonial period. The written court record created a documentary record which was regarded as authoritative, creating an innovative structure of accountability and transparency. The responsibility of keeping a written court record also introduced a colonial presence at the core of the proceedings of the native courts presided over by Egba judges and further provided the courts the authority of the colonial state. The difficulty and contradiction of applying native law and custom in a colonial court was captured by the District Officer in Abeokuta, when he noted that the African judges granted divorce and awarded damages without attempting to dissuade parties or to refuse divorce because the presiding African judge was uncomfortable with having the wives appeal to the European officials.[14]

This declaration by the district officer suggests that Egba plaintiffs approached the new courts because they were hopeful that they would get satisfactory judgment because of the presence of the British officials and the fact that the African judges were regarded as subordinates under the control of the British administration. While colonial administrators used their presence in the courts to direct African judges toward judgments that suited their interpretation of social justice, they claimed success for the progress in the regulation of native justice, but they would also distance themselves from the negative effects of their role.

By 1913, Frederick Lugard as Governor (later Governor-General) of Nigeria decided that the Egba state would no longer be considered independent. This meant overruling MacGregor's policy, which had treated Egbaland as a separate state with its own laws, institutions and financial arrangements within Nigeria. While MacGregor had informally undercut the power of local authorities, Lugard did not hide his contempt for the very idea of an independent Egbaland, and quickly worked to incorporate Abeokuta into the British colonial

administration, despite the extant treaty recognizing the independence of the Egba people. In February 1913, Lugard had an interview with P.V. Young, the Abeokuta Commissioner since 1907. Several days after the meeting, Lugard drafted a memorandum on his thoughts about Abeokuta. In the memorandum, he concluded that

> the Egba state was unfit for self-government, corrupt and a centre for disloyal propaganda against Lagos government; and it constituted a dangerous precedent which might at any time be evoked by other Yoruba states under British protection but with "very similar treaties" to Abeokuta.[15]

Lugard wanted a united Nigeria under British control, so when an uprising in Abeokuta took place in 1914 it provided him with sufficient grounds to argue the pointlessness of continued independence. The 1914 Ijemo uprising was the beginning of the end for the obviously compromised independence of Abeokuta and the much-awaited opportunity for Lugard to demonstrate that the people were incapable of self-governance – a justifiable basis to revoke the 1893 treaty and declare Egbaland part of the protectorate of Nigeria. The Alake, the traditional ruler of the Egba, remained the head of the Egba administration, but no longer had any legislative function. Egbaland would be judicially integrated into the protectorate.

With the annexation of Abeokuta in 1914, the territory automatically came within the ambit of the Native Court Ordinance of 1914. This legislation was an adaptation of the northern Nigeria model, which created four grades of native courts. The 'A' grade courts were those of a paramount ruler and his advisers or an Alkali court (as was the case in the predominantly Muslim north). The 'B', 'C', and 'D' grade courts were those of varying jurisdictions operated by lesser chiefs or officials. Most of the 'A' level courts were in Northern Nigeria, although there were some established in the western region. Abeokuta had an 'A' grade court headed by the Alake and the rest of the territory was divided into areas of jurisdiction for the lesser courts which would comprise two chiefs and an educated president. The chiefs consist of twenty-four members. The president was a permanent member of the group, who was responsible for the recording of judgements (Figure 2).[16]

Technically, the 1914 ordinance detached European officers from presiding over the native courts. They were only to act as advisers to the court and were not to interfere except when gross injustice was being done.[17] Another significant feature of the ordinance was the removal of the Native Courts from the jurisdiction of the Supreme Court, since Lugard believed that Africans should not be subject, in general, to the same set of laws as Europeans. He created a new set of courts called the Provincial Courts within each province with jurisdiction parallel to the Native Courts.[18] These courts were under the control of the Resident Commissioner and in some cases acted as an appeal court.

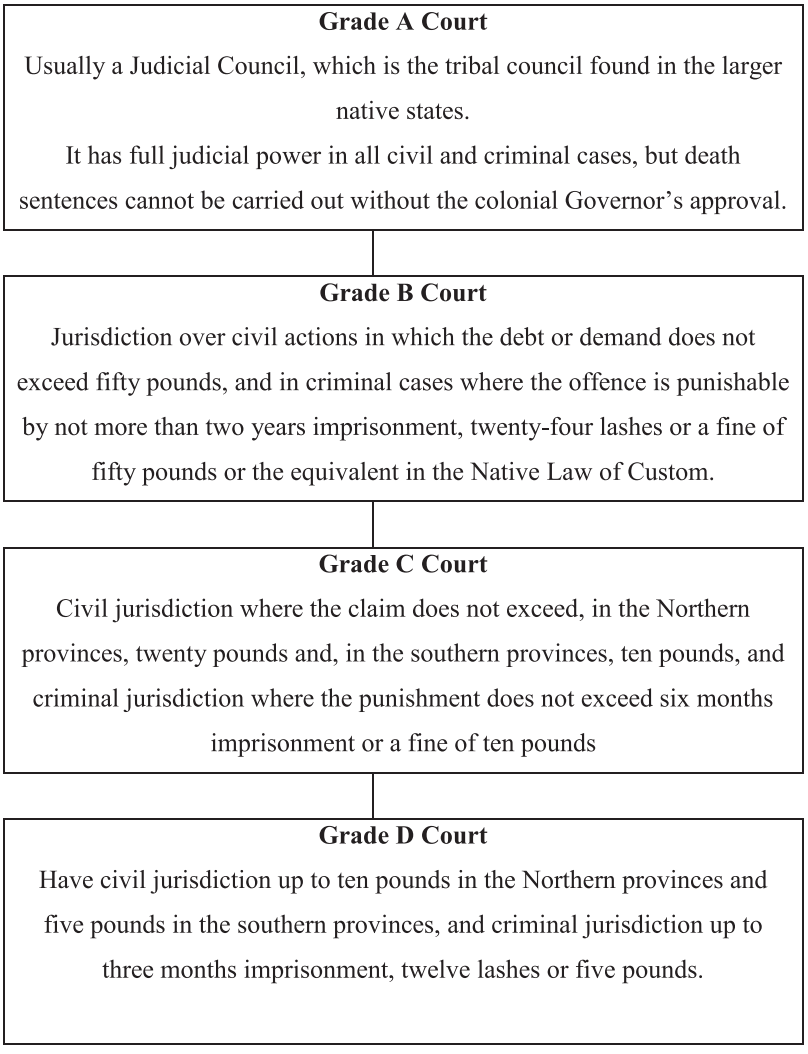

Figure 2. Colonial native court system, 1914–1957.

Former Slaves' Use of the Court against Former Masters

Between 1905 and 1960, all the Ake, Abeokuta native courts heard a total of 37,472 cases. Marital disputes constituted over sixty-five percent of all cases heard during this period. In dealing with the court records eleven categories were identified (Table 1), and divorce constituted 40.5%, the largest category. These data on marital cases reveal major transformations in gender and marital relations following the establishment of the native courts, as previously enslaved men and women were able to challenge the status quo.

Between 1905 and 1930 the court heard a total of 115 slave-related cases (Figure 3). Slave-related cases were prominent in the early period. In 1905 alone, the court heard a total of fifty-one slave-related cases. This evidence

Table 1. Occurrence of civil cases heard in the Ake native courts grade A, B, C, D between 1905 and 1960.

Category of Cases	Number of cases	% of Cases
Divorce	15,182	40.5
Bridewealth	3,421	9.1
Adultery	2,056	5.5
Seduction	302	0.8
Child Custody	2,193	5.9
Debt/Theft	8,896	23.7
Slavery	115	0.3
Farmland Recovery	3,889	10.4
Broken Betrothal	970	2.6
Assault/Battery	46	0.1
Claims of Valuables	402	1.1
Total	37,472	100

suggests that several enslaved men and women were attempting to free themselves from enslavement and have the opportunity for freedom and marriages which were based on mutual attraction and their socio-economic considerations. The increased appearance of former slaves in the courts in the early years of the twentieth century can be linked to several factors, including opportunities for redemption, increasing economic prospects, the establishment of the native courts and the increasing sympathy of the court to the claims of former slaves and the growing consciousness of the idea of justice in an emerging colonial state. While the decade of the establishment of the native court witnessed a surge in the number of slave related cases, the second decade saw a decrease in the number of slave related cases brought to court (Figure 3). The gradual decrease and non-appearance of enslaved women and men in courts after 1930s could be because most of the people enslaved in the nineteenth century were either dead or technically free with the abolition of slavery in 1916. Also, all people born after 1901 were legally free no matter the status of their parents. It is also possible that enslaved people chose to stay because they were reasonably content where they were, or they might also have

Figure 3. Occurrence of disputes over slavery, Abeokuta, 1905–1930, $n = 115$.

had nowhere else to go. In addition, the impact of the great depression and the economic realities of the time can also explain the decrease after 1930s, because of the closing in the economic changes and opportunities which previously emboldened enslaved people.

Disputes over Debts, Property and Breach of Contracts

Enslaved individuals called upon colonial courts to uphold their right to redemption against their former masters. Not everyone exercised this right. In Abeokuta, masters frequently created networks of dependency around their slaves which were designed to keep the enslaved from running away. These networks often took the form of masters providing wives for their enslaved men, allowing the enslaved to own farmland or guard livestock in return for a certain percentage of the harvest.

These networks did not always operate smoothly. Thirty of the cases on slavery focus on disputes over debt, property and breach of contracts. In some of the cases, enslaved people protested the takeover of their farmland and livestock by their former masters. Bankole claims that his former master Kukoyi took over his farmland and harvest, and requested he still paid £5.10 for redemption. The court ruled in favour of Bankole and ordered Kukoyi to return the farmland to Bankole and take the proceeds from the harvests as the redemption fee.[19] In another case heard that day, an enslaved man, Kasia, bought suit against his former master Oterimoso for a share in the harvest of a farmland. Kasia claims that his former master Oterimoso loaned him the farmland but surprisingly took over the farmland and harvest, perhaps because he raised the issue of redemption with him. The tribunal ruled in Kasia's favour, forcing the former master to give him his share of the harvest and accept his offer for redemption.[20]

The increasing desire of enslaved people for redemption for themselves and their loved ones was most probably the root cause of conflicts over debts, breach of contract and disputes over properties such as farmland. Masters may have loaned or even given out farmland to their slaves, and slaves may have developed these lands well beyond the expectations of the masters. The end of slavery and the new openings for enslaved people forced some of these long-term relationships into the courts. On 12 April 1909, for example, Ayokambi brought Salako to court to recover a debt of £10.10 redemption fee. Salako claims that 'he made a payment of £4 to plaintiff with a promise to balance £6.10'. The court ruled in Ayokambi's favour, ordering Salako to be detained until the balance of £6.10 was completed.[21] On 25 May 1909, Owonla took Saratu (a former female slave) to court to recover property 'he entrusted to Saratu, but which she sold'. The defendant acknowledged her actions, and the court ruled that Saratu must return the items in question to the plaintiff.[22]

The end of slavery led to the regulation of property relations of all kinds. In 1912, a former master, Bankole, claimed that his former slave, Adenike, took over his land, while Adenike claimed that it belonged to her and that she had been prevented from cultivating it.[23] While this case is not detailed enough to allow an examination of the origin of social relations between the plaintiff and defendant, it does prompt questions about master and slave relations within the native courts. Ultimately, the court ruled in favour of Adenike's rights to the land, thereby upholding her rights as a free member of the community. Why, however, was the master interested in taking over the land? The court judges may know something that we do not know, since they did not request that she share the products from the land with her former master. Giving out or renting lands to slaves was an important tool masters used to maintain networks of dependency. Slaves and former slaves sometimes occupied important positions when it came to advancing the commercial interests of their masters, but as this case demonstrates they could also have designs of their own.

Debt cases in Abeokuta most commonly involved disputes over the remittance of money made from the sale of cocoa. This was the nature of the claim that Esubiyi made against Esan on 25 April 1910 for the recovery of ten bags of cocoa. Esan did not deny the claim but pleaded with the court for more time to be able to settle the debt. The court granted his request.[24] Layemi denied in court on 10 June 1910 that he owed Odeleke five bags of cocoa. However, witnesses supported Odeleke's claim and the court ruled in his favour.[25] Witnesses also supported Osho's claim to ten bags of cocoa from Oyenekan who denied owing that quantity. The court ruled in the plaintiff's favour.[26] From the judgement of these cases, it appears that both the enslaved and their former masters understood the importance of having witnesses to the debts they claimed. In about ten of the cases on debt, the defendants denied the claims, but the plaintiffs had witnesses to support their claims and the courts ruled in the favour of the plaintiffs.[27] In the absence of written contracts, witnesses provided the courts with basic evidence. Similar kinds of evidence and testimony also played a role in relation to marriage and divorce cases, including cases involving slavery.

Disputes over Slavery, Marriage and Divorce

Some of the slavery related cases concerned disputes between enslaved women and their masters over divorce and custody of children. Enslaved women in this category saw the new colonial courts as a platform to entangle their former masters in litigation in order to expedite their redemption and the opportunity to create relationships of their choice. Prior to emancipation, slavery had frequently overlapped with marriage or concubinage, and enslaved women were often assimilated into their master's lineage. Enslaved women could easily be

bought in order to serve as wives or concubines for the sons of the family. This did not mean, however, that their enslaved status ended when they were married, since they could still be resold by their master or mistress in exchange for dowry money or to offset debt. This was quite problematic for British administrators, who frequently found it difficult to differentiate between an enslaved wife and a free wife. British missionaries sometimes reported that men and kings had several wives, yet some of these women were slaves.[28] Laws against slavery made it necessary to try and establish a fixed and authoritative conception of what slavery was, and how it differed from marriage, and to thereby legally separate institutions which had historically overlapped and intersected in various ways.[29]

During the years immediately after the opening of the native courts in Abeokuta, enslaved women were increasingly active in the colonial courts, claiming their rights to leave their masters and husbands. Claims for divorce could apply to either members of the master's family or to other slaves. Being an enslaved wife meant carrying the stigma of slavery within the framework of the family. Husbands and other men could constantly call them slaves to remind them of their origins and subsequent lack of rights. Colonial anti-slavery measures created opportunities for women to challenge this stigma from within their households, but for others it proved necessary to challenge slavery outside the household by summoning their masters to the court.[30] This was the case of Amuda, from Ijemo, who approached the court in June 1916 requesting a divorce from Kehinde Lemode, also of Ijemo. Testifying before the court she explained:

> Kehinde bought me as a slave when I was a child, after some years he made me his wife. I have two children living for him out of ten, others died during child labour. Kehinde hardly liked me or cared for me; I have to serve as a labourer to earn a living and feed my children. I offer to pay redemption fee; I want to be free.[31]

Amuda's expression 'he made me his wife' appears to be an indirect word to suggest sexual relations. Her testimony implies that she understood the differences between the status of an enslaved woman and that of a free wife. Being a free wife implied some degree of privilege and expectations of affection and less work compared to that of an enslaved woman. With the statement 'I want to be free', Amuda requested her freedom. Kehinde admitted to having bought Amuda from the slave market and integrated her into his household. He disagreed with Amuda's request to pay the redemption fee because 'she is his wife and mother of his children'. He married her without bridewealth payments or labour requirements, she had lived with him all her formative years and they have a family together. When it became apparent to him that Amuda would settle for nothing less than her freedom, he accepted and requested the custody of the two children – Oyebade and Safu. The court granted Amuda her freedom without payment of the redemption fee and Kehinde was given

custody of the two children. This judgement affirms that the judge of the colonial courts assigned importance to a woman's consent (irrespective of her social status) in making a marriage. It is also evident that assimilation within the master's family may not necessarily improve a slave's condition. Drawing examples from Ghana and Senegal, Alessandra Brivio and Emily Burrill have demonstrated how the conditions of enslaved women who were assimilated within the master's household remained extremely vulnerable to exploitation. Despite their seeming powerlessness, many of them struggled to control their lives and seek freedom.[32]

Notwithstanding his or her social position both inside and outside the master's family, a slave was almost always known to be a slave and the stigma never completely disappeared. In 1905 Temidola requested the court to grant her a divorce from Ladoja. In responding to her claim of being enslaved, the defendant argued that the plaintiff was his wife and not his slave. From Temidola's testimony it appeared she played the role of a wife and slave to the master. Her swift reaction implied that she was aware of the colonial policy of emancipation and was willing to take advantage of it. More importantly, she was clearly aware of being enslaved and of the stigma associated with slavery. Pushing the arguments further, the plaintiff described the ordeal she had gone through in the hands of the defendant. She stated:

> I am a slave. I was taken to Iyalase house as her slave. I was not told at first that I will be Ladoja's wife. I was treated as a slave, I was first told by the Iyalase to have Ladoja as husband, I refused but after beatings and maltreatment I acceded. They gave me nothing, no presents as a bride. After I was removed from Ladoja's house to his brother Olaniyonu, he treated me as a slave and not as a wife. He used to call me a home-born slave. He has other wives. I am pregnant for another man, the man is Yisa.[33]

Wrapped around her statement is the attempt to exercise her right and demonstrate preference to accept or decline a marriage offer. Like Aina in the opening story, the centrality of marriage to Temidola's experience is strengthened by the lack of gifts that accompanied her marriage. While the outcome of this case is unknown, it remains significant for three reasons: first, women demonstrated that they knew the difference between being a freeborn wife and being enslaved and tried to emancipate themselves and break free from their master. Secondly, it unveils one of the most common strategies slaves employed in severing ties with their masters: running away and getting pregnant for someone else and moving into his house as wife or concubine. While this is a limited option and implies moving from one form of dependence to another, it highlights the complexities of slavery, freedom, and gender differences. The vulnerability of enslaved women contributed to prioritizing protection and safety even when doing so was not consistent with the promise of full emancipation but provided some relief in a context of uncertainty. Thirdly, the last sentence in her

statement is an important pointer to women's ability to control their own fertility, which cannot be taken away from them irrespective of social status. Temidola deliberately conceived a child with Yisa to frustrate her master and get her freedom. She turned her gendered reproductive role to her advantage to resolve a domestic dispute and break out of slavery.

There were also cases where enslaved women reported their former masters for calling them slaves and also threatening to sell them. Through the auspices of the court, they wanted to exercise their right to leave their masters. This was why Segilola sued her husband and demanded compensation in 1915 for mistreatment she had suffered at his hands. According to Segilola, he threatened her saying that if it were not for how things have changed (meaning changes with European presence), he would have sold her. She escaped and summoned her husband to the native court where she obtained her freedom and a small amount in compensation for ill-treatment.[34] Whether she was an enslaved woman or a mistreated wife, Segilola's stratagem was to use the court to leave her husband.

That same year, Oyelabi ran away from her master's household because he threatened to sell her and her three children. During the case she declared: 'he said I was his father's slave and fought with me, he threatened to sell me. I and my children want to leave'.[35] She decided to go to court because she and her children were treated like slaves, in spite of the fact that slavery had been legally abolished. Similarly, Oyewunmi, who was the daughter of a woman kidnapped a long time ago and married within the household, claimed that 'whenever I have a misunderstanding with him, he called me his slave. He said that his mother purchased my mother, he treated me like a slave'.[36] She took him to court, seeking to pay the redemption fee so she could leave with her children. Equally, Abike left her former husband because 'he did not keep me well as a wife but treated me as a slave and ill-treated me. He beat me many times, no dowry was paid for me, and I want to leave him'. She went to court because he kept mistreating her and calling her a slave. Unable to resolve these disputes by other means, these women approached the native court hoping to have their marital and domestic conflicts resolved in their favour.

Enslaved women could also be under threat of mystical sanctions, which typically involved being forced to take oaths never to leave their master's house by swearing on local deities. To be released from the oath usually required complex and very expensive rites. However, it appears that these oaths did not always stop enslaved people from litigating their masters and exposing the injustices they or their children had suffered.[37] One example is the case of Ayinla and her children, who had been prohibited by her master from leaving the house. She was forced to take an oath of allegiance and when the suffering from the master became unbearable and she attempted to escape, she was severely flogged. She described her ill-treatment: 'I was

flogged so brutally that I became sick for several days, he attempted to hit me and children with a something like a charm but he was stopped by his brother'.[38] She reported the case to the Ake native court and she and her children obtained their freedom.

Children were frequently a major source of contention since they were understood to belong to their master's lineage. This applied to the children of an enslaved woman and a free man, or of a couple where both the man and the woman were enslaved. When slavery came to an end, enslaved women often remained trapped in unwanted relations for fear of losing their children. When they approached the court for assistance, the status of their children was frequently a major source of concern. In 1921, an enslaved married woman named Fayera, who was married to an enslaved man, decided to redeem herself. A few months later she sued her former master (not her husband) for detaining her two sons. The father of the children, Fayera's husband, had not left the master's house. The master claimed his rights over the children and refused to return them to the mother. After several attempts to resolve the issue internally without success, Fayera charged her former master in court and she obtained her children.[39]

Similarly, in 1905 a man named Sowemimo approached the native court to claim custody of the children born to him by a slave wife. It is important to quote the case at length because it reveals the complexities and lived experiences of slave wives and their masters. Sowemimo stated,

> I am a farmer at Orogbo. Respondent was a slave of my mother Adeyimika. Ten months ago, she paid £4.00 as redemption. She had a child by Akinlawon. She paid £11.11 for the redemption of that child. She had two children for me. After she was given to another man one Taiwo Olugbo's slave, the man was sold. She had a child for Taiwo, when Taiwo was sold my mother gave her to me. When the respondent was young, she was given to me, but I refused. After Taiwo's death I took her as wife she had two children for me Akintola a male, and Eguntola female who I am now claiming. About fifteen years ago she was seized by one Akinlawon for my debt, she stayed about one year with him. I paid the debt and she returned to me. I received the sum of £10.00 for the child of Akinlawon.[40]

Responding to the claims by Sowemimo, Fayedun, the woman at the centre of this dispute stated:

> I am a slave of petitioner's mother. I was given as wife to one Taiwo with whom I lived for six years. I had three children for him. One died remaining two. Taiwo was sold by his master. I returned to my mistress and petitioner took me as wife. I was not petitioner's wife before I was seized by Akinlawon for the petitioner's debt I stayed with Akinlawon for the two years I returned to petitioner I was in family way when I returned after given birth to that child and it was weaned then petitioner took me as his wife. Akinlolu redeemed his child after I have lived with petitioner as wife it is about ten years now since petitioner took me as his wife, a year and four months ago Akinlawon redeemed his child. I redeemed myself and went to live with my child at Akinlawon.[41]

The court ordered that Akintola and Eguntola be 'held freeborn' and granted the custody of the male child, Akintola, to the father and ruled that the daughter would remain with the mother. The woman was granted custody of the female child in accordance with native law and custom. The child was possibly too young to be separated from the mother. Fayedun's experience reveals that slave women were often married to men in the owner's lineage while slave children and slave offspring grew up as junior kinsmen. Under these circumstances, an enslaved woman could remain trapped with a master for fear of losing the children. For men, the advantages of having female slaves were enormous, since a man could exercise control over the children of an enslaved woman as he wanted, while this was not possible with children of his free born wife who was protected by her family. An enslaved woman and her children did not have kin support or protection from ill-treatment.

In re-reading the testimonies of Fayedun and Amuda the label 'slave' worked as the most important marker of identity and the lens through which both women wanted the court to understand their experiences and motivations. It is evident that their emphasis on their status as slaves and wives and the decision to take their masters to court was an important strategy that they pursued to ensure their physical wellbeing, safety and the protection of their reputation and positions in their new homes. Fayedun also focused on a particular incident which she clearly saw as a serious transgression against her: the 'commodification of her body'. She was circulated among several men without her consent and primarily to satisfy the wishes of the owner, who felt entitled to her body.

Not all enslaved women were able to redeem themselves. Some experienced acute economic distress, and it is likely that some of their children were taken as pawns. Toyin Falola and Paul E. Lovejoy emphasize that while pawnship was connected to poverty, poverty did not predetermine indebtedness. Pawning was an important means of acquiring labour and dependents through the extension of credit. During the early twentieth century, some individuals in south-western Nigeria used pawning to gain access to currency or other goods for the purpose of paying colonial taxes and other expenses.[42] Like slaves, most pawns worked in the farms of their creditors who could also assign them other duties. The decision to pawn children could be made on a number of different grounds. Pawning a child to someone with financial means could present the child with a possible opportunity to receive some form of education. Parents had to pay for schooling if they wanted their children to attend school, thus many poorer children had no access to education. Children were also pawned to ease expenses in spite of regulations against the practice of slaving.

A scrutiny of the Legislative council records of the Abeokuta province reveals that forty-two cases of pawning were brought to the attention of the Native Authority of the Abeokuta Division between 14 September 1927 and 23

October 1934. In each of these cases, a prosecution was instituted before the Native Court of Ake Grade A. The forty-two cases represent one hundred and four persons (pawners and pawnees) charged. Thirty persons were discharged while thirty-seven were sentenced to fines ranging from 10/- to £5 with terms of imprisonment in default. Thirteen were to pay fines from £5 to £10 and another thirteen to fines from £10 to £25. The court ordered the pawn money to be paid into the court and credited to Egba Native Administrative revenue and additional sentences were imposed in default of payment. The children pawned were returned to their parents or natural guardians. Interestingly, several of the persons convicted were chiefs. From 1933 stiffer penalties were passed into law, requiring the payment of £25 or six months imprisonment. As a consequence, from October 1934 Abeokuta province recorded no case of pawning. However, in the Ilare Division, a suburb of Abeokuta, there were sixteen reported cases of pawning between 1927 and 1930. The transactions were revealed in the course of civil claims for debt. From the late 1930s no case of illegal pawning was reported throughout the Province as a whole. This was partly due to the stiffer measures by the Native Administration and the circulation of public notices informing members of the community of the illegality of pawning children.[43] By the late 1920s the nature of pawning had been transformed by harsher judicial penalties and the additional opportunities which were created via certificates for redemption.

Conclusion

The Ake courts transcripts unveil important themes that offer insights into how enslaved people reorganized their lives and gender roles within the social and cultural environment of Abeokuta. The testimonies recorded show how slaves constructed narratives of slavery and marriage as well as the ways in which legal frameworks shaped how they narrated their life experiences. From the Ake court we see how enslaved women responded to the establishment of the native and colonial policy on emancipation. The courts empowered women to challenge the status quo regarding their marital relations, to petition their master-husbands, and argue against them in the courts to seek total freedom. By going to the newly established courts, slaves took action against wealthy or powerful individuals in society – a move that was previously impossible. The native courts and the colonial policy on emancipation opened up new vistas of personal autonomy and facilitated previously unrealizable degrees of economic and geographical mobility. Enslaved women took advantage of the new commercial opportunities at the turn of the century to dissolve unpleasant marriages and remarry 'rich' suitors. In addition, they became involved in emerging trades and were able to redeem themselves and their children. The court's continuous sympathy to the plight of enslaved women highlights the importance of women to the expansion of the colonial economy and in the

processing of local goods for export. Focusing on the personal experience of enslaved individuals who approached the courts, we see women's agency in making and remaking their marriages. Specifically, the court-cases discussed reveal enslaved women's aspirations and strategies to redefine their marital relations with former masters.

Notes

1. Hezekiah Oluwasanmi Library, (here after HOL) Ake Central Native Court, Civil Record Book 1905.
2. Isaac Adeagbo Akinjogbin, 'The Prelude to the Yoruba Civil Wars of the Nineteenth Century', *Odù: Journal of Yoruba and Related Studies* 1, no. 2 (1965): 24–46; J.F. Ade Ajayi and Robert Smith, *The Yoruba and their Wars – Yoruba Warfare in the Nineteenth Century* (Cambridge: Cambridge University Press for the Institute of African Studies, University of Ibadan, 1964); Isaac Adeagbo Akinjogbin, 'The Oyo Empire in the 18th century–A reassessment', *Journal of the Historical Society of Nigeria* 3, no. 3 (1966): 449–60.
3. Martin Klein and Richard Roberts, 'Gender and Emancipation in French West Africa', in *Gender and Slave Emancipation in the Atlantic World*, ed. Pamela Scully (North Carolina: Duke University Press, 2005), 164.
4. Richard Roberts, 'Women, Household Instability, and the End of Slavery in Banamba and Gumbu, French Soudan, 1905–12', in *Women and Slavery: Africa, the Indian Ocean World, and the Medieval North Atlantic*, eds. Gwyn Campbell, Suzanne Miers, and Joseph Calder Miller, vol. 1. (Ohio: Ohio University Press, 2007), 281–305; Richard Roberts, 'Representation, Structure and Agency: Divorce in the French Soudan during the Early Twentieth Century', *Journal of African History* 40, no. 4 (1991): 389–410; Richard Roberts, 'The End of Slavery, Colonial Courts, and Social Conflict in Gumbu, 1908–1911', *Canadian Journal of African Studies/La Revue canadienne des études africaines* 34, no. 3 (2000): 684–713.
5. Paul Lovejoy, 'Concubinage and the Status of Women Slaves in Early Colonial Northern Nigeria', *The Journal of African History* 29, no. 2 (1988): 245–66.
6. Suzanne Miers, 'Slavery to freedom in sub-Saharan Africa: Expectations and reality', *Slavery and Abolition* 21, no. 2 (2000): 237–264.
7. Kristin Mann, 'Women's Rights in Law and Practice: Marriage and Dispute Settlement in Colonial Lagos', in *African Women and the Law: Historical Perspectives*, eds. Margaret Jean Hay and Marcia Wright (Massachusetts: Boston University Press, 1982), 151–71; Kristin Mann, 'The Historical Roots and Cultural Logic of Outside Marriage', in *Nuptiality in Sub-Saharan Africa: Contemporary Anthropological and Demographic Perspectives*, eds. Caroline Bledsoe and Gilles Pison (Oxford: Clarendon Press, 1994), 167–93; Judith A. Byfield, 'Women, Marriage, Divorce and the Emerging Colonial State in Abeokuta (Nigeria) 1892–1904', *Canadian Journal of African Studies* 30, no. 1 (1996): 32–51.
8. Kristin Mann, *Slavery and the Birth of an African City: Lagos, 1760–1900* (Bloomington: Indiana University Press, 2007); Kristin Mann, 'A Tale of Slavery and Beyond in a British Colonial Court: West Africa and Brazil', in Alice Bellagamba, Sandra E. Greene, and Martin A. Klein, eds., *African Voices on Slavery and the Slave Trade* (New York: Cambridge University Press, 2016), 378–85; Kristin Mann, 'Owners, Slaves and the Struggle for Labour in the Commercial Transition at Lagos', in

From Slave Trade to 'Legitimate Commerce': the Commercial Transition in Nineteenth-Century West Africa, ed. Robin Law (Cambridge: Cambridge University Press, 1995), 144–71; Kristin Mann, 'Interpreting Cases, Disentangling Disputes: Court Cases as a Source for Understanding Patron-Client Relationships in Early Colonial Lagos', in *Sources and Methods in African History: Spoken, Written, Unearthed*, eds. Toyin Falola and Christian Jennings (Rochester: University of Rochester Press, 2003), 195–218.

9. Ojo Olatunji, 'Slavery, Marriage and Gender Relations in Eastern Yorubaland', 1875–1920, in *Gendering the African Diaspora: Women, Culture, and Historical Change in the Caribbean and Nigerian Hinterland*, eds. Judith Byfield, LaRay Denzer and Anthea Morrison (Bloomington: Indiana University Press, 2010), 147.
10. National Archive Abeokuta (NAA) Egba Council of Records, 3/1/13, Copy of Resolution. The resolution on slavery highlighted guidelines on self-redemption and differentiated between slaves born in Abeokuta and elsewhere. Slaves born in Abeokuta were to pay £5/10s as redemption, while slaves born elsewhere were to pay £10.
11. Morenikeji Asaaju, 'Prospects of Native Court Records in the Historical Reconstruction of Gender in Southwestern Nigeria', *African Notes* 42, nos 1&2, 1–13.
12. Kristin Mann and Richard Roberts, *Colonial Law in Africa* (London: Heinemann Educational Books 1991).
13. The EUG was a system of government Abeokuta experimented with during its independent status (1892–1913). The EUG introduced electricity and water works, and attempted to widen the tax base of its administration.
14. NAI, Abe Prof 9/3, H.W.A Cunning to Colonial Secretary, Lagos Minute dated 19 May 1903; NAI, Oyo Prof 1/1205, Divorce Cases in Native Courts Standard Form for Conduct of, 127–128.
15. Quoted from Agneta Pallinder-Law, *Government in Abeokuta 1830–1914 with Special Reference to the Egba United Government 1889–1914* (PhD diss., University of Goteborg, 1973), 159.
16. Harry Gailey, *Lugard and the Abẹokuta Uprising: The Demise of Ẹgba Independence* (London: Frank Cass, 1982), 68–80.
17. NAI, Native Court Ordinance no. 8, 1914.
18. NAI, Provincial Court Ordinance no. 3, 1914.
19. HOL, Ake Native Court, Civil Record Book 1908, 30.
20. HOL, Ake Native Court, Civil Record Book 1908, 32.
21. HOL, Ake Native Court, Civil Record Book 1909, Vol. 5, 88.
22. HOL, Ake Native Court, Civil Record Book 1909, Vol. 5, 300.
23. HOL, Ake Native Court, Civil Record Book 1912, Vol. 10, 100.
24. HOL, Ake Native Court, Civil Record Book 1910, Vol. 8, 70.
25. HOL, Ake Native Court, Civil Record Book 1910, Vol. 8, 300.
26. HOL, Ake Native Court, Civil Record Book 1910, Vol. 9, 350.
27. HOL, Ake Native Court, Civil Record Book 1915, Vol. 16, 16, 35, 37, 38, 50, 52, 53, 100, 105, 200.
28. Thomas Bowen, *Adventures and Missionary Labors in Several Countries in the Interior of Africa, from 1849 to 1856* (Charleston: Southern Baptist Publication Society, 1857).
29. Dorothy Dee Vallenga, 'Who is a Wife?: Legal Expressions of Heterosexual Conflicts in Ghana', in *Female and Male in West Africa*, ed. Christine Oppong (London: George Allen & Unwin, 1983): 144–155.
30. Alessandra Brivio, '"I Am a Slave Not a Wife": Slave Women in Post-Proclamation Gold Coast (Ghana)', *Gender & History* 29, no. 1 (2017): 31–47.
31. HOL, Ake Central Native Court, Civil Record 1916, 1–2.

32. Brivio, '"I Am a Slave Not a Wife"', 31–47; Emily Burrill, '"Wives of Circumstance": Gender and Slave Emancipation in Late Nineteenth-century Senegal', *Slavery and Abolition* 29, no. 1 (2008): 49–64.
33. HOL, Ake Native Court, Civil Record Book 1905, volume unnumbered.
34. HOL, Ake Native Court, Civil Record Book 1915, Vol. 10, 3.
35. HOL, Ake Native Court, Civil Record Book 1915, Vol. 10, 70.
36. HOL, Ake Native Court, Civil Record Book 1915, Vol. 10, 150.
37. HOL, Ake Native Court, Civil Record Book 1920, 12, 97, 85, 90, 97.
38. HOL, Ake Native Court, Civil Record Book 1920, 57.
39. HOL, Ake Native Court, Civil Record Book 1921, 88.
40. HOL, Ake Native Court, Civil Record Book 1905, Volume unnumbered.
41. Ibid.
42. For more details on this institution among the Yoruba and elsewhere, see Toyin Falola and Paul Lovejoy, eds., *Pawnship in Africa: Historical Perspectives on Debt Bondage* (Boulder: Westview Press, 1994).
43. National Archives Ibadan, Abe Prof I, Iwofa and Pawning of Children, pp. 51–60.

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